

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

HEADWATER RESEARCH LLC,

Plaintiff,

v.

SAMSUNG ELECTRONICS CO., LTD. and
SAMSUNG ELECTRONICS AMERICA,
INC.,

Defendants.

Case No. 2:22-cv-00422-JRG-RSP

JURY DEMANDED

JOINT CLAIM CONSTRUCTION AND PREHEARING STATEMENT

Pursuant to Local Patent Rule 4-3, and the Court’s Second Amended Docket Control Order (Dkt. No. 75), Plaintiff Headwater Research, LLC (“Headwater”) and Defendants Samsung Electronics Co., Ltd. and Samsung Electronics America, Inc. (collectively, “Defendants” or “Samsung”) (all together, the “parties”) respectfully submit the following Joint Claim Construction and Prehearing Statement.

I. AGREED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(1))

The parties have not identified any agreed claim constructions.

II. DISPUTED CLAIM CONSTRUCTIONS (P.R. 4-3(A)(2))

The parties’ proposed constructions of disputed terms are provided in the chart below. The parties’ proposed constructions are also set forth in the accompanying Exhibit A, along with the intrinsic and extrinsic evidence on which the parties intend to rely. Headwater’s extrinsic evidence is provided in accompanying Exhibit B and the expert declaration of Dr. Douglas A. Chrissan served upon Samsung in accordance with P.R. 4-3(B).

A. U.S. Patent No. 9,137,701

Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
"user of the device . . . perceiving any benefit from that application" (claim 2)	Not indefinite; plain and ordinary meaning.	Indefinite.

B. U.S. Patent No. 9,143,976

Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
"user of the device . . . perceiving any benefit from that application" (claim 2)	Not indefinite; plain and ordinary meaning.	Indefinite.

C. U.S. Patent No. 9,271,184

Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
"user of the device . . . perceiving any benefit from that application" (claim 2)	Not indefinite; plain and ordinary meaning.	Indefinite.

D. U.S. Patent No. 9,277,433

Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
"user of the device . . . perceiving any benefit from that application" (claim 3)	Not indefinite; plain and ordinary meaning.	Indefinite.

E. U.S. Patent No. 9,277,445

Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
"user of the device . . . perceiving any benefit from that application" (claim 2)	Not indefinite; plain and ordinary meaning.	Indefinite.

F. U.S. Patent No. 9,251,578

Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
"user of the device . . . perceiving any benefit from that application" (claim 4)	Not indefinite; plain and ordinary meaning.	Indefinite.

G. U.S. Patent No. 9,609,544

Claim Term	Headwater's Proposed Construction	Samsung's Proposed Construction
"user of the device . . . perceiving any benefit from that application" (claim 2)	Not indefinite; plain and ordinary meaning.	Indefinite.

III. ANTICIPATED LENGTH OF TIME NEEDED FOR THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(3))

The parties estimate that one hour will be needed for the claim construction hearing. The parties agree that each side will be allocated half of the total time permitted for the hearing.

IV. PROPOSED WITNESSES TO BE USED AT THE CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(4))

No party proposes to call witnesses at the claim construction hearing.

V. OTHER ISSUES TO BE ADDRESSED PRIOR TO CLAIM CONSTRUCTION HEARING (P.R. 4-3(A)(5))

The parties are not currently aware of any issues that they would propose taking up at a prehearing conference prior to the claim construction hearing.

Dated: November 28, 2023

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on November 28, 2023, I served the foregoing document via electronic service on all counsel of record.

/s/ Marc Fenster
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